

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
HOWLID, et al.	§	Group Art Unit: 3663
	§	
Serial No.: 10/552,795	§	Examiner: HELLNER, Mark
	§	
Filed: 2006 July 13	§	Confirmation No.: 4505
	§	
For: <i>Active Steering for Marine Seismic Sources</i>	§	Docket No.: 14-0228-PCT-US (WGEC0075)
	§	
	§	

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313

Dear Sir:

REQUEST FOR CORRECTION OF ENTITY STATUS PURSUANT TO 37 CFR §1.28(C)

Applicants request correction of the entity status under 37 CFR §1.28(c) for the present application from small entity to large entity. This notice serves as the written notification of loss of entitlement to small entity status required by 37 CFR §1.27(g)(2).

Applicants submit herewith \$2,237.00 as deficiency fees required under 37 CFR §1.28(c) and believe that no further fee is due in connection with this submission. However, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 50-3882/WGEC0075, for any fees, including extension of time fees or excess claim fees, required to make this submission timely and acceptable to the Office.

REMARKS

At the time the present application was filed, Applicants used an outdated transmittal. It appears that in response to the filing fees calculation method and the fee amounts listed on the transmittal, the USPTO mistakenly considered the filing to qualify for small entity status although no such statement/request for small entity status was presented. Applicants first discovered the small entity designation during a post allowance review of the file history after receiving the Notice of Allowance mailed February 7, 2011.

Applicants submit that \$2,237 is the deficiency amount caused by the erroneous small entity designation. A breakdown of filing fees paid as small entity, current proper large entity fee amounts, and deficiency now due is as follows:

	<u>Small Entity As Filed</u>	<u>Current Large Entity</u>
Basic filing fee	\$150 (fee code 2631)	\$330 (fee code 1631)
National exam fee	\$100 (fee code 2633)	\$220 (fee code 1633)
National search fee	\$200 (fee code 2642)	\$430 (fee code 1642)
Total claims over 20	\$1,475 (\$25 x 59, code 2615)	\$3,068 (\$52 x 59, code 1615)
Ind. claims over 3	\$100 (100 x 1, code 2614)	\$220 (220 x 1, code 1614)
Total:	\$2,025	\$4,268
Deficiency Owed:	<u>\$2,243</u>	

The requirements of 37 CFR §1.28(c)(2), which include calculation of the deficiency owed and itemization of the deficiency payment, are provided below in a chronological manner.

October 11, 2005

The present application was filed with 81 claims, of which 4 claims are independent. However, the USPTO records mistakenly show only 79 claims, of which 4 claims are independent. The undercount was due to duplication of claims 61 and 64.

September 11, 2008

Duplicates of dependent claims 61 and 64 were deleted. Dependent claims 80 and 81 were added. Applicants did not submit any fees at this time. The number of claims remaining after amendment is 81 total with 4 independent. The highest number of claims previously paid for is 79 total with 4 independent.

March, 25, 2009

Dependent claim 82 was added and paid for as a large entity (\$52, fee code 1615). The number of claims remaining after amendment is now 82 total with 4 independent, while the highest number of claims previously paid for is 80 total with 4 independent.

August 3, 2009

Dependent claim 83 was added and was paid as a large entity (\$52, fee code 1615). Dependent claim 82 was converted to independent and paid as a large entity (\$220, fee code 1614). The number of claims remaining after amendment is now 83 total with 5 independent, while the highest number of claims previously paid for is 81 total with 5 independent. But, USPTO records showed the number of claims remaining after this amendment to be 81 total with 5 independent, and the highest number of claims previously paid for as 79 total with 4 independent.

September 10, 2009

A Request for Continued Examination was filed and paid as large entity (\$810, fee code 1801). For some reason, the USPTO recounted the claim count and mistakenly showed the number of claims remaining after amendment as 82 total with 3 independent, and the highest number of claims previously paid for as 82 total with 4 independent.

February 26, 2010

Dependent claim 27 was cancelled. The number of claims remaining after amendment is now 82 total with 5 independent, and the highest number of claims previously paid for is 81 total with 5 independent. USPTO records show the number of claims remaining after amendment as 82 total with 5 independent, and the highest number of claims previously paid for is 82 total with 4 independent. This led the USPTO to deduct \$110 from our deposit account for an independent claim as small entity (fee code 2201). With this payment, USPTO records showed that the highest number of claims paid for is 82 total with 5 independent. Applicants believe that this deduction was made in error.

April 26, 2010

Applicant resubmitted the February 26, 2010 amendment with no changes in the claim numbers. The USPTO records show the number of claims remaining after amendment as 82 total with 5 independent, while the highest number of claims previously paid for as 82 total and 5 independent.

September 15, 2010

A Request for Continued Examination was filed and paid as large entity (\$810, fee code 1801). Since claims were deleted and not added, no claims fees were paid with this submission. The number of claims remaining after amendment is now 32 total with 2 independent, while the highest number of claims previously paid for is 81 total with 5 independent. The USPTO records show the number of claims remaining after amendment as 32 total with 2 independent, while the highest number of claims previously paid for as 82 total with 5 independent.

Summary

As shown above, throughout the prosecution of this application, Applicants have paid various prosecution fees, e.g., excess claim fees and RCE fees, as a large entity. The highest number of claims previously paid for is 81 total with 5 independent. However, Applicants believe that the highest number of claims that Applicants should have paid for is 83 total with 5 independent. Applicants never paid for the 2 excess claims incurred at the time of filing, which amounts to \$104 (code 1615).

On February 26, 2010, the USPTO incorrectly deducted \$110 (fee code 2201) from our deposit account for an independent claim as small entity.

The deficiency amount caused by the erroneous small entity designation is \$2,243. Accordingly, the total deficiency amount owed as a result of the incorrect small entity status and claim misnumbering is \$2,237.00 (\$2243 + \$104 - \$110).

In view of the recent allowance for this application, Applicants request timely consideration of this request to avoid any adverse conditions due to the current entity status determination.

Respectfully submitted,

/Ari Pramudji/ Date: March 11, 2011

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